

AMENDED IN ASSEMBLY APRIL 8, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 153

Introduced by Assembly Member Baldwin

January 22, 1997

An act to add Section 53077.5 to the Government Code, and to amend Section 5353 of the Public Utilities Code, relating to youth-serving organizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 153, as amended, Baldwin. Youth-serving organizations: use of public beaches and recreation areas: carrier exemption.

(1) Existing law provides for the use of local public land and property, as specified.

This bill would prohibit any city, county, or state public entity from adopting or enforcing any ordinance, regulation, or other law, “effectively denying the use of, or access to, any public beach or recreation area,” as defined, to youth organizations, as specified. The bill would specifically allow those organizations to commence a civil action to obtain appropriate injunctive or declaratory relief to enforce that provision, as determined by the court.

(2) Under existing law, the Passenger Charter-Party Carriers’ Act, the furnishing of specified passenger transportation services by a charter-party carrier of passengers is subject to the jurisdiction and control of the Public Utilities Commission and is required to be furnished

pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would exempt from the act ~~the~~ transportation services incidental to the operation of a youth camp that are provided by either a nonprofit tax-exempt organization or an organization operating an organized camp, as defined, that serves youth 18 years of age or younger. *However, the bill would require an organized youth camp that is exempt from the act pursuant to those provisions to obtain specified minimum amounts of general liability insurance coverage for vehicles that are used to transport youth.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53077.5 is added to the
2 Government Code, to read:

3 53077.5. (a) No city, county, or state public entity
4 shall adopt or enforce any ordinance, regulation, or other
5 law effectively denying the use of, or access to, any public
6 beach or recreation area to any nonprofit organization
7 which qualifies for tax exemption pursuant to Section
8 501(c)(3) of the Internal Revenue Code, and serves
9 youth 18 years of age or younger, including the Boy
10 Scouts, the Girl Scouts, the Campfire Boys and Girls, the
11 YMCA, Boys' and Girls' Clubs, 4H programs, or any
12 organization that operates an organized camp, as defined
13 in Section 18897 of the Health and Safety Code.

14 (b) For purposes of this section, "effectively denying
15 the use of, or access to, any public beach or recreation
16 area" means charging a fee or otherwise imposing a cost
17 upon an organization or upon each person using or
18 accessing the public beach or recreation area under the
19 sponsorship of the organization, in excess of any fee or
20 cost that would be charged or imposed if the same
21 number of persons were to instead use or access the
22 public beach or recreation area as individuals without any
23 organizational sponsorship.

1 (c) Any nonprofit youth organization or organized
2 camp utilizing a public beach or recreation area must
3 carry liability insurance.

4 (d) Nothing in this bill prohibits the imposition of fees
5 imposed on groups requesting special services or
6 facilities, or conducting activities beyond those provided
7 in the normal scope of activities or operations at any unit
8 of the state park system.

9 (e) Any nonprofit organization serving youth which
10 qualifies for tax exemption pursuant to Section 501(c)(3)
11 of the Internal Revenue Code may commence a civil
12 action to obtain appropriate injunctive and declaratory
13 relief to enforce this section, as determined by the court.

14 SEC. 2. Section 5353 of the Public Utilities Code is
15 amended to read:

16 5353. This chapter does not apply to any of the
17 following:

18 (a) Transportation service rendered wholly within the
19 corporate limits of a single city or city and county and
20 licensed or regulated by ordinance.

21 (b) Transportation of school pupils conducted by or
22 under contract with the governing board of any school
23 district entered into pursuant to the Education Code.

24 (c) Common carrier transportation services between
25 fixed termini or over a regular route which are subject to
26 authorization pursuant to Article 2 (commencing with
27 Section 1031) of Chapter 5 of Part 1 of Division 1.

28 (d) Transportation services occasionally afforded for
29 farm employees moving to and from farms on which
30 employed when the transportation is performed by the
31 employer in an owned or leased vehicle, or by a nonprofit
32 agricultural cooperative association organized and acting
33 within the scope of its powers under Chapter 1
34 (commencing with Section 54001) of Division 20 of the
35 Food and Agricultural Code, and without any
36 requirement for the payment of compensation therefor
37 by the employees.

38 (e) Transportation service rendered by a publicly
39 owned transit system.

1 (f) Passenger vehicles carrying passengers on a
2 noncommercial enterprise basis.

3 (g) Taxicab transportation service licensed and
4 regulated by a city or county, by ordinance or resolution,
5 rendered in vehicles designed for carrying not more than
6 eight persons excluding the driver.

7 (h) Transportation of persons between home and
8 work locations or of persons having a common
9 work-related trip purpose in a vehicle having a seating
10 capacity of 15 passengers or less, including the driver,
11 which are used for the purpose of ridesharing, as defined
12 in Section 522 of the Vehicle Code, when the ridesharing
13 is incidental to another purpose of the driver. This
14 exemption also applies to a vehicle having a seating
15 capacity of more than 15 passengers if the driver files with
16 the commission evidence of liability insurance protection
17 in the same amount and in the same manner as required
18 for a passenger stage corporation, and the vehicle
19 undergoes and passes an annual safety inspection by the
20 Department of the California Highway Patrol. The
21 insurance filing shall be accompanied by a one-time filing
22 fee of seventy-five dollars (\$75). This exemption does not
23 apply if the primary purpose for the transportation of
24 those persons is to make a profit. "Profit," as used in this
25 subdivision, does not include the recovery of the actual
26 costs incurred in owning and operating a vanpool vehicle,
27 as defined in Section 668 of the Vehicle Code.

28 (i) Medical transportation vehicles, including vehicles
29 employed to transport developmentally disabled persons
30 for regional centers established pursuant to Chapter 5
31 (commencing with Section 4620) of Division 4.5 of the
32 Welfare and Institutions Code.

33 (j) Transportation services rendered solely within the
34 Lake Tahoe Basin, comprising that area included within
35 the Tahoe Regional Planning Compact as set forth in
36 Section 66801 of the Government Code, when the
37 operator of the services has obtained any permit required
38 from the Tahoe Basin Transportation Authority or the
39 City of South Lake Tahoe, or both.



(k) Subject to Section 34507.6 of the Vehicle Code, transportation service provided by the operator of an automobile rental business in vehicles owned or leased by that operator, without charge other than as may be included in the automobile rental charges, to carry its customers to or from its office or facility where rental vehicles are furnished or returned after the rental period.

(l) Subject to Section 34507.6 of the Vehicle Code, transportation service provided by the operator of a hotel, motel, or other place of temporary lodging in vehicles owned or leased by that operator, without charge other than as may be included in the charges for lodging, between the lodging facility and an air, rail, water, or bus passenger terminal or between the lodging facility and any place of entertainment or commercial attraction, including, but not limited to, facilities providing snow skiing. Nothing in this subdivision authorizes the operator of a hotel, motel, or other place of temporary lodging to provide any round-trip sightseeing service without a permit, as required by subdivision (c) of Section 5384.

(m) (1) Transportation of hot air balloon ride passengers in a balloon chase vehicle from the balloon landing site back to the original take-off site, provided that the balloon ride was conducted by a balloonist who meets all of the following conditions:

(A) Does not fly more than a total of 30 passenger rides for compensation annually.

(B) Does not provide any preflight ground transportation services in their vehicles.

(C) In providing return transportation to the launch site from landing does not drive more than 300 miles annually.

(D) Files with the commission an exemption declaration and proof of vehicle insurance, as prescribed by the commission, certifying that the operator qualifies for the exemption and will maintain minimum insurance on each vehicle of one hundred thousand dollars (\$100,000) for injury or death of one person, three hundred thousand dollars (\$300,000) for injury or death

1 of two or more persons and one hundred thousand dollars
2 (\$100,000) for damage to property.

3 (2) Nothing in this subdivision authorizes the operator
4 of a commercial balloon operation to provide any
5 round-trip sightseeing service without a permit, as
6 required by subdivision (c) of Section 5384.

7 (n) (1) Transportation services incidental to
8 operation of a youth camp that are provided by either a
9 nonprofit organization that qualifies for tax exemption
10 under Section 501(c)(3) of the Internal Revenue Code or
11 an organization that operates an organized camp, as
12 defined in Section 18897 of the Health and Safety Code,
13 serving youth 18 years of age or younger.

14 (2) *Any organized youth camp that is exempt from the*
15 *requirements of this chapter pursuant to paragraph (1)*
16 *shall be required to obtain the following minimum*
17 *amounts of general liability insurance coverage for*
18 *vehicles that are used to transport youth:*

19 (A) *A minimum of five hundred thousand dollars*
20 *(\$500,000) general liability insurance coverage for*
21 *passenger vehicles designed to carry up to eight*
22 *passengers.*

23 (B) *A minimum of one million dollars (\$1,000,000)*
24 *general liability insurance coverage for vehicles designed*
25 *to carry up to 15 passengers.*

26 (C) *A minimum of one million five hundred thousand*
27 *dollars (\$1,500,000) general liability insurance coverage*
28 *for vehicles designed to carry more than 15 passengers.*

